THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12666 OF 2007

DATED 17th JULY, 2007

BETWEEN:

Goluguri Venkata Reddy

… Petitioner

AND

The Revenue Divisional Officer, Kakinada, East Godavari District and others.

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12666 OF 2007

ORDER:

The petitioner allegedly purchased 2,588 square yards of land in survey No.325 of Gorripudi Village in Karapa Mandal in East Godavari District under registered sale deed, dated 16.10.2000. He also alleges that his wife purchased 400 square yards in survey No.325/1 of the said village and the same is adjacent to the land purchased by petitioner. The land is in possession of petitioner. It is alleged that respondents 2 and 3 entered into the land in December, 2006 highhandedly and directed petitioner to remove thatched house constructed by him. He was informed that the land under his occupation is Government land and that he is an encroacher. The petitioner's wife then filed W.P.No.4462 of 2007. This Court disposed of the writ petition on 06.03.2007 observing that unless and until petitioner therein is evicted by following due process of law, she cannot be disturbed. In this writ petition, petitioner alleges that after disposal of the said writ petition, respondents are again directing petitioner to vacate the land with a view to distribute the same as house sites under Indiramma Grama Pathakam. Therefore, he filed instant writ petition *inter alia* seeking direction to respondents not to interfere with peaceful possession of land in survey No.325 of Gorripudi Village.

The matter was heard at preliminary stage on 19.06.2007 and learned Assistant Government Pleader was directed to get instructions in the matter. After getting instructions, learned Assistant Government Pleader submits that the land in survey No.325 admeasuring Acs.1.60 is Grama Kantam/Village Site Poramboke and that the petitioner is in occupation of land without any right. He submits that necessary steps are being taken by Mandal Revenue Officer to evict petitioner under A.P.Land Encroachment Act, 1905 (the Act, for brevity). In view of apprehension of the petitioner that there is interference without due process of law cannot be accepted. Liberty is given to second respondent to evict the petitioner under the Land Encroachment Act after issuing notice under Section 7 of the Act. It shall also be open to petitioner to submit explanation after receiving notice and defend the case against any proposed eviction.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(V.V.S.RAO,J)

17.07.2007.
pln